

Minutes of the
LEGISLATIVE COMMISSION
Nevada Legislative Counsel Bureau (LCB)
Legislative Building, Room 4100
Carson City, Nevada
September 24, 2003

The third meeting in 2003 of the Legislative Commission, created pursuant to Nevada Revised Statutes (NRS) 218.660, was held on Wednesday, September 24, 2003, commencing at 8:15 a.m., in Room 4100 of the Legislative Building, Carson City, Nevada with a simultaneous video conference to Room 4401 of the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada.

COMMISSION MEMBERS PRESENT:

Senator Randolph J. Townsend, Chair (in Carson City)
Senator Ann O'Connell, Vice Chair (in Las Vegas)
Senator Maggie Carlton (in Las Vegas)
Senator Warren B. Hardy (in Las Vegas),
alternate for Senator Mike McGinness
Senator Dina Titus (in Las Vegas)
Senator Valerie Wiener (in Las Vegas)
Assemblyman Bernie Anderson (in Carson City)
Assemblywoman Sharron Angle (in Carson City)
Assemblyman David Brown (in Las Vegas)
Assemblywoman Barbara E. Buckley (in Las Vegas)
Assemblyman John C. Carpenter (in Carson City)
Assemblyman Richard D. Perkins (in Las Vegas)

COMMISSION MEMBERS ABSENT:

Senator Mike McGinness

OTHER LEGISLATORS PRESENT:

Senator Bernice Mathews (in Carson City)
Assemblyman Don Gustavson (in Carson City)
Assemblyman John W. Marvel (in Carson City)
Assemblyman David R. Parks (in Las Vegas)

LCB STAFF PRESENT IN CARSON CITY:

Lorne J. Malkiewich, Director
Brenda J. Erdoes, Legislative Counsel
Gary L. Ghiggeri, Fiscal Analyst
Mark W. Stevens, Fiscal Analyst
Paul V. Townsend, Legislative Auditor
Fred W. Welden, Chief Deputy Research Director
Patrick Guinan, Senior Research Analyst

The agenda is attached as Exhibit A. A packet containing materials for the meeting was provided to commission members and available to the public in attendance. Attendance rosters are attached as Exhibit B. The meeting was called to order by Chair Townsend.

Item I--Approval of Minutes of Meeting Held May 30, 2003--Senator Randolph J. Townsend, Chair.

ASSEMBLYMAN ANDERSON MOVED APPROVAL OF THE MINUTES OF THE MEETING HELD MAY 30, 2003. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Item II--Legislative Auditor.

A. Review of Response to Request for Proposal to Conduct Performance Audit of State Board of Medical Examiners and Determination of Whether Federation of State Medical Boards of the United States, Inc., has Ability to Conduct Fair and Impartial Performance Audit--Paul V. Townsend, Legislative Auditor.

Mr. Townsend referred to material contained in the meeting packet. It is a proposal from the Federation of State Medical Boards of the United States [referred to herein as the Federation] to conduct a performance audit of the Nevada State Board of Medical Examiners. The proposal is in response to a Request for Proposal that was issued pursuant to Senate Bill No. 250 of the 2003 legislative session. Section 41 of the bill states that after considering the response if the commission finds that the Federation has the ability to conduct a fair and impartial performance audit of the state board that the commission shall engage the services of the Federation to perform the audits. Alternatively, if the commission finds the Federation does not have the ability to conduct fair and impartial audits of the board or is otherwise unable to conduct such audits, the commission shall direct the Audit Division to conduct the audits. The initial audit must be commenced before October 1, 2003, and a written report must be complete within sixty days. Mr. Townsend noted that there is "a fairly tight time frame on this."

Mr. Townsend referred to page nine of the response entitled, "Firm's Capability," which notes that the Federation is a not-for-profit organization located in Dallas, Texas. The Federation's mission is a continual improvement of the quality, safety and integrity of health care through the development and promotion of high standards for physician licensure and practice. The section entitled, "Independence," provides the Federation's response to three key elements required by the legislation: (1) that the Federation has not conducted a previous audit of the board or been affiliated with a person who has conducted an audit pursuant to NRS 218.825, which are the statutes regarding financial audit requirements that annual audits are required; (2) the Federation indicates that it has the ability to conduct fair and impartial performance audits of the board, based upon previous audits that they have conducted in other states shown on page 10; and (3) the persons conducting the performance audit are sufficiently qualified. Mr. Townsend noted that there is a brief description of each team member's qualifications on pages 10 through 12, followed by more detailed information on pages 13 through 28.

Mr. Townsend stated that the team includes two experienced administrators employed by the Federation, two attorneys, a physician, and an administrative and clerical support person. All the staff are experienced in medical board matters from various states. As an example, he noted that the attorney shown at the bottom of page 11 has been the deputy executive director in charge of discipline for the Virginia Board of Medicine since 1988. On page 12, the attorney shown at the top of the page is a current member of the Federation Board of Directors and previously served on the Medical Board of California from 1987 to 2000. The physician shown on page 12 is a urologist from Indiana and currently serves as an administrative law judge for the Indiana Health Professions Bureau where he presides over disciplinary proceedings.

Due to the non-profit nature of the Federation, payment to the team members is in the form of a per diem honorarium of \$500. Page seven contains the financial information. The per diem contributes to a very reasonable cost of the audit of \$27,875. The amount will be paid by the Nevada State Board of Medical Examiners pursuant to the legislation.

Mr. Anderson inquired if the group is the only one which applied. Mr. Townsend responded that the group was specifically named in the legislation. Mr. Anderson said that he noticed that the group has never responded to a legislative body, only to medical organizations. He expressed concern about the group's independence and if they will be comfortable responding to a non-medical group. Mr. Townsend said that the group has indicated in their response that they feel they are independent. He made some calls to the states noted. In one state, the executive director indicated that the report had been independent and, in fact, he did not agree with a number of the recommendations they had made. Mr. Townsend said that he believes the group is not afraid to go in and make some strong recommendations.

Senator O'Connell inquired if Mr. Townsend had the time and staff available to perform an audit, if it is on the schedule to be performed or was he depending on another group to conduct the audit. Mr. Townsend said that this audit had not been "built into our audit schedule" and he was planning on the group conducting the audit. However, he said that the division is available, if need be, to do it and he would make the staff available. He indicated that the time frame is extremely tight and the division does its audits under government auditing standards which requires them to go through more extensive work than the procedures shown. He believes the group goes in with quite a

bit of knowledge. They address these issues every day and are quite familiar with the best practices in their organization. His staff would be able to learn the practices but would not be able to do it as quickly as the group can.

Senator O'Connell said that she wished to have it entered into the record that she had a conversation with the participants during the legislative session on the matter and they had indicated that their preference was to have the Audit Division perform the audit. She said it would be up to the commission as to how it feels about the qualifications of the outside group.

Ms. Angle inquired about the budget figures in the proposal which indicates \$1,000 per person. She was wondering how that averages, noting that she has been doing a lot of flying and her tickets have never cost \$1,000. She also inquired where the audit would be conducted and if it would be in Reno or Las Vegas. She thought that \$175 per person for a room seemed high. Mr. Townsend explained that the budget was prepared by the Federation and he did not question how they arrived at the amounts. He said that the total amount of the contract is extremely reasonable and if an outside firm were contracted, the amount would be at least double.

Ms. Buckley asked Mr. Townsend if it makes sense to allow the group to go in and then perhaps have the Audit Division perform a "clean up" to make sure that if there are items of legislative concern, that they are addressed and may not be within the scope of the other audit. She particularly noted that a newspaper article reported on a meeting of the Board of Medical Examiners and an issue of trying to lessen the burden for qualified doctors from out of state who wanted to come in from other jurisdictions. Apparently, there were a couple of doctors who applied that looked like they were not qualified and a couple of others that looked like they were highly qualified and the Board said, "we don't care about the law passed by the Nevada Legislature, we're going to require every applicant to take the test." Ms. Buckley stated, "That is outrageous. That they can make that sort of pronouncement where by their own admission they had highly qualified applicants. It makes me wonder, for example, that if we have that kind of attitude what else we might uncover

if we do a more 'policy' audit. I'm also very concerned because I've received complaints, as we all have, from individuals who filed complaints and then didn't even get notices of the hearings or an opportunity to present their side of the story. These are the types of things that I would like to see looked into and if they're not in the scope of the audit by the group, I'd like them in our audit. Whatever the will of the committee, but I would like to see those couple of issues addressed."

Chair Townsend inquired if Ms. Buckley's concerns are something that could be included in the scope or should the commission look at a way to address it after the audit and the Audit Division perform a "clean up" review. Mr. Townsend called attention to page four which lists six items which were included in the legislation. He said there is a heavy focus on complaints, the handling of complaints and conducting of investigations. There is not so much on the licensure side but he believes the group has the ability to go in as they have developed best practices regarding the handling of complaints and they do deal with 70 entities or boards throughout the United States. They should be able to identify weaknesses in their processes. When they did go in, the Audit Division could examine the report at that point and see if there are some areas that the commission would like further examined. It could then be incorporated into an audit that would be approved by the Legislative Commission. The division could look at whatever the commission would like.

Senator O'Connell said that Ms. Buckley just made a suggestion but that she would like to indicate that in her conversations with the people concerned with the audit, there was supposedly a discussion that took place at the Board's last meeting about expanding the office space in their current location and they were not sure about opening an office in southern Nevada. If they did, they did not plan on having any activities emanate from that office. A figure of \$600,000 a year was proposed as what they thought the office would cost. It was disturbing to her to hear that the Board was not willing to have any of the operations of the Board emanate from that office especially since the largest population of the medical community is in the southern Nevada area. One of the concerns in the area was that people have a difficult time communicating with the office in the northern part of the state.

Ms. Buckley said that her suggestion is that the commission would request the Board to attend the next Legislative Commission meeting. She opined that perhaps these are not items for an audit but are items of concern from the commission. Members could inquire about the expense item, why they are not going to do more from the southern office and ask why they don't feel that they have to follow the law that legislators passed.

The chair said that in the spirit of expediting matters, Keith L. Lee, Counselor at Law, representing the Nevada State Board of Medical Examiners, is in the audience in Carson City and prepared to address the concerns of commission members.

Mr. Lee stated that he first needed to indicate that he was not present at the September Board meeting at which the mentioned discussions took place. He is, however, familiar with the issues raised. With respect to the issue raised by Ms. Buckley relative to the licensure, it had to do with the provisions placed in S.B. 250 with regard to reciprocity to allow a procedure by which physicians who are licensed in other states to apply here and meet whatever requirements might be set forth and go forward with a particular licensing. He thought that the intent of the Board was to still provide some sort of safeguard without raising a barrier. He said the Board would be happy to address this concern at a future commission meeting. Mr. Lee said with regard to

Senator O'Connell's issue, it is his understanding that the board has made a presentation of a Las Vegas office that would cost \$500,000 for the biennium to include physical office space and an investigative person who would deal with many of the issues with respect to both A.B. 1 and S.B. 250 regarding, in particular, physicians reporting malpractice actions that had been filed against them. Because of the way the court system is set up, one literally has to go in and search the files and wherever there is a case name with a physician's name in it, the file has to be pulled to see if it is a malpractice case or a breach of

contract case for failure to pay for something. He understands that there was also going to be a licensure specialist and an administrative assistant. The intent was to have an office in Las Vegas with three people who would be there full time and be part of the process of the investigating and licensure status. Mr. Lee said that the opponent to going forward with opening a Las Vegas office was Dr. Havins, one of the people present during the legislative session who not only suggested having a Las Vegas office but moving the entire operation to Las Vegas. His objection to opening a Las Vegas office, as Mr. Lee understands it, is it would cost an additional \$250,000 to \$300,000 a year for opening that office. Since the State Board of Medical Examiners is funded solely by the physicians, that would ultimately create a necessity to increase a physician's biennial licensing dues, which were reduced last year. He said he doesn't think the intent of the Board is not to go forward, the suggestion made by Dr. Havins was because they are now having videoconferencing, they are exploring and will have in place videoconferencing between the Reno office and a site in Las Vegas so the Board will not have to rely on the Legislative Building, the university system or state contractors board facilities. He said that Dr. Havins' comment as reported was that if you have videoconferencing, there is no need to go to the expense of opening a Las Vegas office.

In conclusion, Mr. Lee said that the Board would be happy to appear at the next Legislative Commission meeting to address the concerns raised, including the concern he did not address about notifying complainants of the time and place of hearing at which they can appear.

Senator O'Connell said the comment as reported to her was that if they weren't going to be doing anything in this office, then it would be an unnecessary expense.

Chair Townsend asked Mr. Lee to contact the Board members, get answers to the specific questions raised and respond either by e-mail or regular mail to the commission members so that if there are additional questions or follow up that members would like to do, they would be ready for the next hearing. Mr. Lee responded, "I will make that happen, Mr. Chairman." The chair said that there seems to be some disconnect that isn't necessarily a misunderstanding, it is just that there is a lot of information because there are multiple parties. The more it is discussed in a forum such as this and get it cleared up, the better the public can feel about the process and understand that everyone is working together to resolve some of these issues.

The chair requested that Mr. Townsend follow up on the questions that Ms. Angle had and also the ones from southern Nevada. He commented that while \$27,800 might be reasonable, if you are a doctor who pays a license fee, it might not be reasonable to them. He asked what it would cost the Board if the audit was performed with Audit Division staff. Mr. Townsend responded that a "ballpark" figure for staff to do the audit would be in the neighborhood of \$50,000. The chair asked if staff could do the follow up portion or could the commission direct the group to answer the questions asked by Senator O'Connell and Ms. Buckley that might not be in the scope of the six items listed. Mr. Townsend replied that staff could discuss it with the Federation and have them include the additional items.

Chair Townsend asked if Senator O'Connell and Ms. Buckley could discuss this matter and he would return to this item later in the agenda. He thinks it is important to think through the matter considering the amount of time that multiple committees spent on it.

Senator O'Connell said that Ms. Buckley would still like to have the board appear before the commission at the next meeting. The chair concurred.

In response to Mr. Anderson regarding language on methodology on the bottom of page four, Mr. Townsend said that he thinks the group's intent is to try and comply with the intent of the legislation interpreting the legislative mandates. He believes the only item discussed today which is not listed in the six items deals with the medical examinations and licensure. He thinks the language on page four would cover that but he would have to discuss it with the Federation.

The chair quoted from page five, “the Federation is directly responsible to the Legislative Commission in the performance of this audit. The purpose of the performance audit is to assist the commission in measuring the effectiveness . . .” He asked if the commission decides to use this group, can it bring them in before the contract is signed and define it in terms that the commission decides is in the public’s best interest. He also expressed concerns similar to Ms. Angle’s about the travel costs outlined in the response. He asked if the scope and the costs are negotiable. Mr. Townsend said, with regard to having the group come in, the request for proposal was modeled and based upon the legislation. He would be concerned that the legislation does require that the audit will be commenced on or before October 1, 2003. Staff has moved forward with the intent that they would be able to put the team together and commence it essentially next week. That would present a problem as far as having them come in and further define the scope.

The chair returned to this item later in the meeting prior to addressing the informational items. The discussion follows.

Mr. Malkiewich said that he knows that Mr. Townsend does not want to say “no” to the commission but he does have some major audits this interim. In fact, he knows that there is at least one request for a special audit that will come on the next meeting of the commission. The option the commission has in the statute is to either award the contract to the company or to direct Mr. Townsend to perform the audit. His personal preference would be that the contract be awarded, given Mr. Townsend’s finding as the statute provides that they are able to do it and able to do a fair and objective job on the audit. One of the suggestions made was that the report could be reviewed by

Mr. Townsend and his staff and determine if there are other areas of inquiry and proceed from there. The timing on that might work better because it would allow the Audit Division to be working on the other major audits while this audit is being completed. He said he knows the per diem amounts seem high but the overall contract amount of \$28,000 is remarkably low. As Mr. Townsend indicated, if his staff were to perform the audit instead of contracting out for professional services it would cost much more.

Continuing, Mr. Malkiewich said that the statute provides and the audit response says “without limitation” so he believes the auditor could be given direction in other areas that members wanted them to look into a little bit. His concern is Mr. Townsend and his staff getting overloaded in an interim in which he is doing some extremely substantial audits.

Senator O’Connell said that she thinks the chair shares the same concerns she has and wondered if it would be appropriate to ask that the contract firm meet with the chair prior to beginning the audit to share with them the concerns the members have. She recalled Ms. Buckley’s concern about the doctor situation and the procedures used by the Board are critical to having a “user-friendly Board.” The flippant answer that has been reported that they don’t have to abide by or look at the law or think about the horrendous session that was had with them during the legislative session—she would ask that they be duly aware of the concerns that were raised and perhaps to take the time and trouble to review the minutes of the hearings on the reasons for the audit. If this is done, she could support the outside auditors.

The chair said he would only do that, out of respect for the efforts of many members, if he is able to have that discussion with a phone conversation to include Senator O’Connell, Ms. Buckley and any other interested southern Nevada legislators while the individuals who will perform the audit meet with him the first time. He thinks it is extremely important that they have input to that because it has been driven in southern Nevada and the people who have shown interest have an expertise. He would be glad to do as the senator requested if he was a facilitator and not just driving the issue and make sure that those in southern Nevada have their input.

SENATOR O’CONNELL MOVED TO APPROVE THE OUTSIDE AUDIT AND INCLUDE A

PRELIMINARY CONFERENCE CALL AND A FINAL REVIEW BY THE LEGISLATIVE AUDITOR.
MOTION SECONDED BY ASSEMBLYWOMAN ANGLE AND CARRIED UNANIMOUSLY.

After the above vote, the commission returned to Item V. on its agenda.

Item III--Progress Reports and Appointments:

A. Litigation currently in progress--Brenda J. Erdoes, Legislative Counsel.

Ms. Erdoes said that she has three cases and an amicus brief upon which to inform the commission members. The first case, Guinn v. Nevada Legislature, was the Nevada Supreme Court case. On September 17, 2003, the Nevada Supreme Court issued its order denying the petition for rehearing filed by the counter-petitioners and clarifying its earlier order dated July 10, 2003. The order also denied the counter-petitioners motion to vacate and motion for an emergency stay. The court stated that the petition for rehearing became moot when the legislature passed S.B. 8 by a two-thirds vote and the exception to mootness doctrine for issues capable of repetition yet evading review did not apply because the court felt that they would have ample opportunity to review a situation arising in the future. If the counter-petitioners wish to file a petition for writ of certiorari to the U. S. Supreme Court asking for review of the Nevada Supreme Court's decision in the matter, they have 90 days from the September 17th date of the decision to file their petition for certiorari.

Ms. Erdoes said that the second case that is in progress is the Angle v. Nevada State Senate. It was heard and then dismissed by the Federal District Court sitting en banc and it is now on appeal to the Ninth Circuit. She recalled that the Ninth Circuit granted the request for an expedited hearing process but most recently the appellant's motion to reset the briefing schedule so that it was no longer an expedited schedule was granted by the Ninth Circuit on September 16th. The order provides that the opening brief and excerpts of the record are due October 27th. The answering brief, which is what the Legal Division would file, is due November 26th. There is an optional reply brief period that would make that due within 14 days after service of the answering brief. After that, the division would be given a calendar of the future actions on the case which will likely be a hearing for the Ninth Circuit.

Continuing, Ms. Erdoes said that the third case still pending is the Independent American Party (IAP) of Nevada v. Guinn and is the case filed by the IAP and others in Federal District Court in Las Vegas. It was identical to the Angle v. Nevada State Senate case except that it had no legislative plaintiffs. The Federal District Court in Las Vegas entered an order on July 31, 2003, dismissing the plaintiffs' complaint and striking their first amended complaint. The plaintiffs did not seek a rehearing of the District Court's order and did not file an appeal to the Ninth Circuit but they have filed but not served on the Legal Division. She is not certain what that is about but they have filed on August 5th a motion for reconsideration and to alter or amend the judgement of dismissal of their complaint. She reiterated that the division has yet to be served on that motion so no response has been sent and she is not sure what the court will do with it.

Ms. Erdoes said that the three mentioned cases resulted from the special legislative sessions. Her office is also working on an amicus brief that was requested at the last meeting of the Legislative Commission and it will involve the Pacific Agency Compensation Trust (PACT) v. Perry case and the PACT v. Hadlock case which have been combined. The cases are on appeal to the Nevada Supreme Court and in both of the cases, she is waiting for PACT to file its opening brief. In its opening brief, it is expected to challenge the constitutionality of NRS 617.457. If they do that, her office will file an amicus brief supporting the constitutionality of that section. She believes the issue will be the constitutionality of the conclusive presumption contained in subsection 1 of NRS 617.457 which was upheld by the District Court.

Ms. Angle inquired if any formal statement has been made as to “our opinion” on the Nevada Supreme Court decision that was brought down on the 17th of September.

Ms. Erdoes responded, “No, not that I know of, not from the Legal Division. I’ve not seen any other formal statement.”

Chair Townsend stated, “I think we all should compliment and commend Ms. Erdoes and her staff for the remarkable work that was done. No matter where you are on these issues, the fact is that they are responsible to defend the legislature and to do that while we are still trying to define our budget and tax package, I thought was a remarkable statement as to their capabilities along with Mr. Ghiggeri and his staff and Mr. Stevens and his staff. They deserve a great deal of our respect and the public should be thankful for the tremendous service that they provide for them, which is what their products actually do in the end is to represent the interests of the public. So, Brenda and the gentlemen from the Fiscal Division, thank you, we really appreciate it.”

B. Appointments to various Ongoing Statutory Committees.

Mr. Malkiewich said that the next large number of items are appointments to the various committees. The first set is the ongoing statutory committees. In all of the appointments today, the responses to a survey have been compiled and people who have expressed interest in serving are shown. He referred to the material contained in the meeting packet.

1. Commission on Special License Plates (A.B. 358)

Mr. Malkiewich said that the two chairs of the transportation committees serve on the commission, therefore, Senator Raymond C. Shaffer and Assemblywoman Vonne Chowning are shown as members. In addition, three additional members need to be appointed.

Chair Townsend deferred to Mr. Perkins for nominations of the remaining members since no senators expressed interest in serving on this commission. Mr. Perkins said that he had not responded to the survey but would speak up if he wished to serve on any committee. He commented on the difficulty of making appointments so that all legislators have some work to do during the interim. He noted that some Assembly members have expressed interest and members have also been polled. Mr. Perkins suggested Assemblyman Arberry and Assemblyman Sherer as members. Senator Titus suggested Senator Schneider since he is a member of the Senate Transportation Committee.

Ms. Angle commented that Assemblymen Claborn and Gustavson indicated they were very interested in serving and wondered why they are not being considered as well.

Mr. Perkins responded that in looking through the list, Mr. Gustavson said he was very interested in serving on virtually every committee and he has some suggestions for him to serve on several other committees and conversations have also been held with

Mr. Claborn who indicated he was more interested in the Public Lands Committee and a couple of others.

The chair explained for those new to the process, it is much more difficult to accommodate the Assembly members because there are so many more people involved who also wish to stay active during the interim. It is difficult for the Speaker and Minority Leader because there are more demands than there are appointments available.

Senator O’Connell inquired if the number of meetings and budget for the committee are indicated. She wondered if the committee would require more than one meeting.

Mr. Malkiewich responded that he would check into it as it is not shown as a budget that needs to be

approved under the agenda items today and the funding may have been included in the legislation. He agreed that the commission would probably only need to meet once or twice in the interim.

Senator Shaffer addressed the Legislative Commission members and explained that the subject of license plates was discussed at length during the legislative session and he thought the commission could easily get by with one meeting.

Mr. Malkiewich said that the members serve without salary or compensation for their travel or per diem expenses according to the statutes so the budget will be extremely small.

Mr. Brown said that he wished to be a little sensitive to Assemblyman Sherer relative to traveling to the meeting of the commission and he does not have a problem appointing Mr. Gustavson who has a high level of interest in this commission. Mr. Perkins indicated that he did not have a problem with the substitution and does not have strong feelings about the make up of the commission. He was simply attempting to balance the workload among committees and would be happy to entertain any member who wished to be on the commission.

ASSEMBLYMAN BROWN MOVED TO APPOINT SENATORS SHAFFER AND SCHNEIDER AND ASSEMBLYWOMAN CHOWNING AND ASSEMBLYMEN ARBERRY AND GUSTAVSON TO THE COMMISSION ON SPECIAL LICENSE PLATES. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

2. Committee to Consult with the Director (NRS 218.6828)

The chair recalled that leadership of both houses has traditionally participated in this committee and would include Assemblyman Perkins, Assemblywoman Buckley, Assemblyman Hettrick, Senator Raggio, Senator Titus and the chair of the Legislative Commission. He recommended those individuals and anyone else leadership would recommend or anyone else who has an interest in serving. Mr. Malkiewich said that in the past the chair of the Legislative Commission has also served as the chair of the Committee to Consult with the Director. Additionally, he noted that the primary role of the committee is to make preparations for completing the business of the ensuing legislature in 120 days. It is the reason why an attempt is made to appoint leadership from all four caucuses so that a consensus can be obtained on the rules for the session.

Mr. Anderson stated that he has shown an interest in serving on the committee as there are some problems remaining on the Assembly third floor relative to a committee room. The larger makeup of a committee such as the Assembly Judiciary Committee has left some physical structure in the room that he would like to see resolved soon. He is unsure whether that can be accomplished but he has an ongoing interest in it. He noted that Mr. Parks has also indicated an interest in serving on the committee in the past.

ASSEMBLYWOMAN BUCKLEY MOVED APPROVAL TO APPOINT SENATORS RAGGIO, TITUS AND TOWNSEND AND ASSEMBLYMEN ANDERSON, HETTRICK, AND PERKINS AND ASSEMBLYWOMEN BUCKLEY AND GIBBONS. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

3. Committee to Review Regulations (NRS 233B.067)

Mr. Malkiewich explained that the Committee to Review Regulations meets if an objection is raised to a regulation during a period in which the Legislative Commission is not scheduled to meet and reviews the regulation. Past practice has been to ensure that there are at least a few if not a majority of members from the Legislative Commission on the committee for the simple reason that occasionally a regulation may be objected to by the commission, readopted and then have to go to the committee. It is helpful to have

members of the commission who are present for the initial hearing on the committee and then the reverse, if something goes to the committee first and then proceeds to the commission. Legislators expressing interest are listed in the meeting packet under this agenda item number.

The chair said that he looked at the Senate committees that deal with the statutes that give authority to various agencies and groups that promulgate regulations. As a result, he recommends Senators O'Connell, Care, Hardy and Townsend. He opened the discussion to additional recommendations from other senators. Senator Titus said that Senator Care has a number of other assignments and Senator Neal would like to serve on the committee. Therefore, she would like to substitute Senator Neal for Senator Care.

The chair asked for Mr. Perkins' recommendations from the Assembly. Mr. Perkins said that his recommendation, given that Assemblyman Brown served in this capacity last interim, that Mr. Brown be included along with Assemblywoman Buckley and Assemblyman Conklin.

SENATOR O'CONNELL MOVED TO ACCEPT THE RECOMMENDATIONS OF SENATORS O'CONNELL, HARDY, NEAL AND TOWNSEND AND ASSEMBLYWOMAN BUCKLEY AND ASSEMBLYMEN BROWN AND CONKLIN. SENATOR HARDY WILL CHAIR THE COMMITTEE. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

4. Legislative Committee for Local Government Taxes and Finance (NRS 218.53881)

Mr. Malkiewich said that members of this committee are appointed by leadership and the Legislative Commission appoints a representative for the advisory committee. Most of the members of the advisory committee are appointed by local governments but the commission appoints one representative of a general improvement district. The last three names shown on the material in the meeting packet are not representatives of general improvement districts, therefore, the only nominee is William B. Horn. Also contained in the meeting packet is a letter to the chair from Jim Nadeau of jnadeau associates, Inc., which includes a resume from Mr. Horn. Mr. Nadeau is present in Carson City in case members have any questions. The statutes were broadened from a member to a representative but it still needs to be someone associated with a general improvement district.

SENATOR O'CONNELL MOVED APPROVAL TO APPOINT WILLIAM B. HORN AS THE REPRESENTATIVE FOR THE ADVISORY COMMITTEE. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

5. Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System (S.B. 216)

Mr. Malkiewich said that the commission appoints three members of each house and the members elect the chair and vice chair.

Mr. Perkins suggested Assemblyman Arberry and Assemblywoman Pierce from the democratic caucus. The chair said that Assemblyman Hettrick indicated that he is very interested in serving.

The chair said that after discussions with the majority and minority leaders in the other house, the Senate recommendations are Senators Amodei, Carlton and Rhoads.

ASSEMBLYMAN ANDERSON MOVED TO ACCEPT THE SUGGESTIONS AND APPOINT SENATORS AMODEI, CARLTON AND RHOADS AND ASSEMBLYMEN ARBERRY AND HETTRICK

AND ASSEMBLYWOMAN PIERCE. MOTION SECONDED BY SENATOR O'CONNELL.

Under discussion, Ms. Angle said that since Tahoe is in her district, she would like to sit on the committee because she feels like she has a vested interest for her constituents and has attended quite a few of the meetings in the past.

The chair said that Ms. Angle makes a good point and the Incline area is fortunate to have two assembly members, both are from the same party. While he does not have a problem with Ms. Angle serving on the committee, he would want that to be approved by the Assembly Minority Leader.

Senator Titus recalled that Ms. Angle introduced a bill to abolish the committee. She wondered if that was accurate. Ms. Angle responded that there is a degree of correctness to the statement. The bill was to withdraw and her reason was that her constituents feel that there needs to be some legislative light on this agency because it has overstepped its compact mission. She has been in contact with California legislators who also believe that there needs to be more direct oversight of the area for a while. It needs to really be looked at and the only way it seemed like that could be done was to "come right directly at it" and say that we wanted to withdraw because the other ways are so difficult to get to a place where it can be discussed as a legislature. Her constituents have a vested interest in what goes on with the TRPA and not so much that they want to withdraw from it but they want it to stay within its mission. The thresholds that have been put into place do not seem to be meeting the desired conclusions that they are supposed to meet. Senator Titus said that she would make the motion to go with the list that includes Mr. Hettrick. The chair said that the issue needs to be addressed between Mr. Hettrick and Ms. Angle and if they decide that the makeup of the committee is not appropriate, they can return to the commission and ask that a change be made.

THE CHAIR CALLED FOR A VOTE ON THE MOTION AND IT CARRIED UNANIMOUSLY.

6. Legislative Committee on Health Care (NRS 439B.200)

Mr. Malkiewicz said that this committee consists of three members of the Senate and three members of the Assembly. The commission also selects a chair and a vice chair. The chair position will rotate into the Assembly this coming interim. The practice has been for the vice chair position to be from the opposite house.

Ms. Buckley stated that from the Assembly, she would recommend Assemblywomen Koivisto, McClain and Assemblyman Hardy. She recommended Assemblywoman Koivisto as the chair.

Chair Townsend said that from the Senate, after consulting with leadership, he recommends Senators Rawson, Cegavske and Mathews with Senator Rawson as vice chair.

SENATOR O'CONNELL MOVED TO ACCEPT THE NOMINATIONS OF SENATORS CEGAVSKE, MATHEWS AND RAWSON, WITH SENATOR RAWSON AS VICE CHAIR AND ASSEMBLYWOMEN KOIVISTO AND MCCLAIN AND ASSEMBLYMAN HARDY, WITH ASSEMBLYWOMAN KOIVISTO AS CHAIR. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

7. Legislative Committee on Persons with Disabilities (S.B. 137)

Mr. Malkiewicz said that this newly created committee consists of three members of each house appointed by the Legislative Commission. The members elect a chair from one house and the vice chair from the other

house.

Mr. Perkins stated that his recommendations are Assemblywomen Chowning and Weber and Assemblyman McCleary. Subsequently, Ms. Buckley substituted Assemblyman Manendo for Assemblyman McCleary.

Chair Townsend recommended that Senators Rawson, Titus and Cegavske be appointed.

SENATOR O'CONNELL MOVED TO CLOSE THE NOMINATIONS AND APPOINT SENATORS CEGAVSKE, RAWSON AND TITUS AND ASSEMBLYWOMEN CHOWNING AND WEBER AND ASSEMBLYMAN MANENDO. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

8. Legislative Committee on Public Lands (NRS 218.5363)

Mr. Malkiewich said that the Public Lands Committee includes three members of the Senate and three members of the Assembly and an elected officer representing the governing body of a local political subdivision. The members select a chair and vice chair. He noted that the only nominee received on the elected local government officer is Tim Perkins, a Lincoln County Commissioner.

Mr. Perkins inquired if the commission would be appointing three members and three alternates as it has in the past. Mr. Malkiewich responded that has been the practice the last few interims.

Mr. Perkins stated his recommendations are Assemblymen Claborn, Collins and Marvel as members and Assemblymen Geddes and Goicoechea and Assemblywoman Pierce as alternates.

Mr. Carpenter said that he has been waiting 17 years to be appointed to the Public Lands Committee and he would very much like to be on the committee.

Mr. Perkins said that it was going to be his recommendation to appoint Mr. Carpenter to a subcommittee of the Legislative Committee on Public Lands, the subcommittee to Study Changing State Boundary Line with Utah, but he may have different preferences. Mr. Carpenter said that his preference is to be on the main committee as he has been an alternate for many years.

Chair Townsend said that Mr. Perkins has been generous to defer to his counterpart in the Assembly and he is not in attendance. While he respects Mr. Carpenter's situation, the minority appointee from the Assembly carries No. 2 on his license plate and the seniority issue is something that should be discussed with the minority caucus.

Ms. Angle said that she is of the opinion that since the "rurals" embody most of the public lands, she thinks that the rural legislators should be on the committee. She suggested that Mr. Carpenter should be appointed instead of Mr. Geddes.

Mr. Perkins said that he could certainly defer to Mr. Carpenter's seniority over Mr. Goicoechea on the alternate appointments. He emphasized that he was just trying to balance the opportunities for everyone to serve. He completely respects Mr. Carpenter's tenure in the legislature and his interest in public lands. He would be happy to support that as well.

The chair restated that the Assembly recommendations are Assemblymen Claborn, Collins and Marvel as members and Assemblymen Carpenter and Geddes and Assemblywoman Pierce as the alternates.

Chair Townsend said that the Senate recommendations are Senators Amodei, Care and Rhoads as members and Senators Coffin, Hardy and McGinness as the alternates.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT SENATORS AMODEI, CARE AND RHOADS AND ASSEMBLYMEN CLABORN, COLLINS AND MARVEL AS MEMBERS AND SENATORS COFFIN, HARDY AND MCGINNESS AND ASSEMBLYMEN CARPENTER AND GEDDES AND ASSEMBLYWOMAN PIERCE AS ALTERNATES. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT TIM PERKINS, LINCOLN COUNTY COMMISSIONER AS THE ELECTED LOCAL GOVERNMENT OFFICER. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

9. Legislative Committee on Public Lands - Subcommittee to Study Changing State Boundary Line with Utah (S.C.R. 20)

Mr. Malkiewich said that the next two items are subcommittees of the Legislative Committee on Public Lands. Additional members are to be added and the commission is required to appoint one additional legislator from each house.

Mr. Perkins said that Mr. Carpenter would be his recommendation for the Assembly appointment. Chair Townsend said that he would recommend Senator Schneider for the Senate appointment.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT SENATOR SCHNEIDER AND ASSEMBLYMAN CARPENTER TO THE SUBCOMMITTEE TO STUDY CHANGING STATE BOUNDARY LINE WITH UTAH. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

10. Legislative Committee on Public Lands - Subcommittee to Study Wilderness Areas and Wilderness Study Areas (S.C.R. 7)

Mr. Malkiewich said that the list of those interested and those who served last interim are shown in the meeting packet material. Two additional legislators from each house must be appointed by the commission to this subcommittee.

Mr. Perkins stated that his recommendations would be Assemblywoman Pierce and Assemblyman Goicoechea. Chair Townsend said that the Senate recommendations would be Senators Coffin and McGinness.

SENATOR O'CONNELL MOVED TO APPROVE THE NOMINATIONS OF SENATORS COFFIN AND MCGINNESS AND ASSEMBLYMAN GOICOECHEA AND ASSEMBLYWOMAN PIERCE. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

C. Appointments to Legislative Commission Subcommittees

Mr. Malkiewich referred to material in the meeting packet for the two subcommittees. He noted that since the two subcommittees were formed by the commission, there are no limits on membership.

1. Information Technology Subcommittee

Mr. Perkins said that his recommendations are Assemblywoman Angle and Assemblymen Hettrick and Mortenson. Mr. Perkins recommended Mr. Mortenson to chair the subcommittee.

Chair Townsend recommended Senators Coffin and Rhoads and inquired if Senator Titus had any recommendations. Senator Titus declined to recommend any other senator and noted that she thinks the committee would be large enough with the current recommendations.

SENATOR O'CONNELL MOVED TO APPOINT SENATORS COFFIN AND RHOADS AND ASSEMBLYWOMAN ANGLE AND ASSEMBLYMEN HETTRICK AND MORTENSON WITH ASSEMBLYMAN MORTENSON AS CHAIR. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

2. Security Subcommittee

Mr. Malkiewich said that this subcommittee was almost dormant for a few years but has been meeting more often working on homeland security issues and the like. He believed former Senator Jacobsen was the chair last interim.

The chair said that this subcommittee has grown substantially in importance and deferred to Mr. Perkins for his recommendations from the Assembly. Mr. Perkins recommended Assemblymen Atkinson and Knecht. Chair Townsend asked if Mr. Perkins would be available if needed. Mr. Perkins replied that he converses with the Legislative Police quite often about security issues on an ongoing basis.

Chair Townsend said the two individuals from the Senate interested in the subcommittee are Senators Neal and Rawson and he recommends those individuals.

The commission returned to this item later in the meeting prior to Agenda Item III. I. and took the following action.

Mr. Perkins said that given the two Assembly members recommended are both freshmen legislators and the senators are veteran legislators, he would defer to the Senate for appointment of a chair from that house.

SENATOR O'CONNELL MOVED TO APPOINT SENATORS RAWSON AND NEAL AND ASSEMBLYMEN ATKINSON AND KNECHT WITH SENATOR RAWSON AS CHAIR. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

D. Appointments to Interim Studies

1. Allocation of Limousines (A.B. 518)

Mr. Malkiewich noted that the study on Allocation of Limousines does not have a specified size or composition. The budget calls for a committee of six legislators but it will be a fairly small study and if the commission wishes to make it smaller, that would work as well. It has been past practice on interim studies for the commission to appoint the committee chairs unless the resolution specifies otherwise.

Chair Townsend said that the chair position is generally given to the house of origin. He said that he would recommend Senators Carlton and Hardy but he was open to any recommendations from Senator Titus.

Senator Titus said that she has just spoken to Senator Carlton and she will recommend Senator Neal instead. Chair Townsend noted that there is not a requirement to have the membership equal between the houses but if Senator Titus wished to add another member she was welcome to do so. Senator Titus added Senator Carlton back as one of her recommendations.

Mr. Perkins said that his recommendations from the Assembly would be Assemblywoman Chowning and Assemblymen Andonov, Beers, Claborn and Mortenson and he recommended Assemblywoman Chowning as the chair.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT SENATORS CARLTON, HARDY AND NEAL AND ASSEMBLYWOMAN CHOWNING AND ASSEMBLYMEN ANDONOV, BEERS, CLABORN AND MORTENSON WITH ASSEMBLYWOMAN CHOWNING AS THE CHAIR. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

2. Criminal Justice System in Rural Nevada and Transitional Housing for Released Offenders - Advisory Committee (S.C.R. 32)

Mr. Malkiewich said that the members of this committee are appointed by leadership and the members select a chair and vice chair. The commission's requirement is to appoint an advisory group of thirteen members to assist concerning the portion that relates to criminal justice system in rural areas. The advisory group has to include, in addition to the administrative officer of the courts, the following people: Two district court judges; one justice of the peace and one municipal court judge; two persons who serve in the capacity of court clerks; two district attorneys; two persons representing local law enforcement; and two county commissioners. At least one-half must come from the Commission on Rural Courts. He referred to material in the meeting packet which included a memorandum from the chair of that commission and a membership roster. He noted that the membership roster does not include any municipal court judges and he believes only one law enforcement officer. He thought most of the appointments could be filled from the list but to completely fill the committee, some members would have to come from outside the list. He has not received any other communication recommending other members. He suggested starting to fill the appointments from the list and receive suggestions from Legislative Commission members on the remaining ones.

Mr. Anderson said that he had the opportunity to deal with many of the judges over time, as has Mr. Carpenter, in hearings of the Assembly Committee on the Judiciary. He suggested Judge Griffin and Judge Davis as District Court Judges and Judge Bunch as Justice of the Peace.

Mr. Carpenter recommended Winifred Smith, Clerk in Elko County, and Donna Bath, County Clerk in White Pine County. He said he agreed with Mr. Anderson's suggestion of Judge Griffin and Judge Davis. He noted that in many of the counties, the Justice of the Peace also serves as the Municipal Judge.

Mr. Anderson suggested that Judge Teurman of Fallon, Judge Vidal of Yerington or Judge Bennett of Fernley, someone from the Third Judicial District would give a geographical spread.

Assemblyman Marvel said that he was on the Commission on Rural Courts during the last interim and that District Judge Papez served as vice chair of that commission.

Mr. Carpenter suggested that the two district attorneys, Art Mallory and Gary Woodbury shown on the list, would be fine. Also, he said he was going to ask if three District Judges could be appointed because Judge Papez is really interested in trying to get some other courts started. He thought three judges would be a good idea.

Mr. Malkiewich said that if there is no objection, he did not see any harm in appointing three district judges. There may be a chance that one of the judges could not attend a meeting.

Responding to the chair, Mr. Malkiewich said that there is only one district attorney and one law enforcement representative currently serving on the Commission on Rural Courts. He emphasized that this action is not reappointing the commission, it is appointing an advisory committee to the study committee. He reiterated that at least half the appointees to the advisory committee must be from the Commission on Rural Courts and noted that the suggested appointees are well above that figure.

Mr. Malkiewich said that the law enforcement representative is Sheriff Gene Hill of Humboldt County and the county commissioner is Paul Donohue from Lincoln County. If those two are appointed, one other from each category would be needed.

Responding to the chair, Mr. Perkins opined that there are a number of law enforcement officials from rural Nevada that would do a good job but no one has expressed any interest directly to him.

Mr. Malkiewich said that he made an error and has noticed that there is another law enforcement representative on the Commission on Rural Courts. His name is Sheriff Bernie Romero of White Pine County. The chair noted that takes care of the other law enforcement appointment.

Robert Hadfield, Nevada Association of Counties, said that he has been paying attention to the geographic representation which is pretty well spread across rural Nevada and he would like to suggest Bernie Curtis, Douglas County Commission. He noted that the Tri-County Juvenile Facility is located at China Springs and he thinks that would add some real depth to the committee.

Mr. Malkiewich restated the names that have been suggested as appointees.

Senator Titus said that she does not have any objection to any of the names suggested but wanted to make a comment. She said “this is kind of a strange committee.” It has two very different topics—transitional housing which was a problem in older urban areas where homes are being turned into half-way houses that have no regulation and the other half focuses on rural Nevada. She said that when people look at the rural criminal justice system, don’t forget that it is desirable to have some people who can also address the other question that needs to be considered as the hearings move forward. She noted that there is an association that runs the half-way houses that should also be involved in the whole process. Mr. Malkiewich read from the resolution and explained that he believed this advisory group will only be working on one part of the study and will not be working on the part concerning the transitional housing.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT DISTRICT JUDGES
MICHAEL R. GRIFFIN, JOHN P. DAVIS AND DAN L. PAPEZ; JUSTICE OF THE PEACE MAX W.
BUNCH; MUNICIPAL COURT JUDGE BILL TEURMAN; COUNTY CLERKS DONNA BATH AND
WINIFRED SMITH; COUNTY COMMISSIONERS BERNIE CURTIS AND PAUL DONOHUE;
DISTRICT ATTORNEYS ART MALLORY AND GARY WOODBURY; AND SHERIFFS GENE HILL
AND BERNIE ROMERO AS LAW ENFORCEMENT REPRESENTATIVES. MOTION SECONDED BY
ASSEMBLYWOMAN BUCKLEY AND CARRIED UNANIMOUSLY.

3. Feasibility of Long-Range Mass Transit within State and to Urban Areas of Neighboring States
(S.C.R. 31)

Mr. Malkiewich said that this committee has no fixed membership and he believes the budget has been set to

accommodate six members. The commission is directed to appoint the committee members and designate a chair.

Mr. Perkins said that his recommendations for this committee would be Assemblymen Christensen, Parks, Sherer and Mortenson. Ms. Buckley also recommended Assemblyman Atkinson to be a member.

Chair Townsend said that the Senate recommendations would be Senators Rawson, McGinness, Neal and Titus. Senator Titus said that this was Senator Neal's bill and would recommend him as chair. Responding to the chair, Senator Hardy said that this study will be one of interest to his constituents and he would like an opportunity to serve.

ASSEMBLYMAN ANDERSON MOVED APPROVAL TO APPOINT SENATORS HARDY, MCGINNESS, NEAL, RAWSON AND TITUS WITH SENATOR NEAL AS THE CHAIR AND ASSEMBLYMEN ATKINSON, CHRISTENSEN, MORTENSON, PARKS AND SHERER. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

4. Impact of Privatization of Industrial Insurance Program (S.B. 292)

Mr. Malkiewich stated that the commission is directed to appoint three members of each house who are acquainted with the state program of industrial insurance. Since this is a commission subcommittee and the bill is silent on the members appointing a chair, the Legislative Commission should appoint the chair.

Mr. Perkins recommended Assemblyman Knecht, Oceguela and Parks. He recommended Mr. Oceguela as chair however it was later decided that since the bill is from the Senate, a senator would chair the committee and Mr. Oceguela would be vice chair.

Chair Townsend recommended Senators Carlton, Hardy and O'Connell. Senator O'Connell said she was interested in serving on the committee and noted that she has asked for some information in this area to be placed on the next commission meeting agenda however it could be folded into this committee's responsibility. Chair Townsend asked if Senator O'Connell would chair the committee, given her seniority and expertise in the area. The senator agreed and Mr. Perkins concurred with the recommendation noting that Mr. Oceguela would learn a great deal from the tutelage of Senator O'Connell.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT SENATORS CARLTON, HARDY AND O'CONNELL AND ASSEMBLYMEN KNECHT, OCEGUERA AND PARKS WITH SENATOR O'CONNELL SERVING AS CHAIR AND ASSEMBLYMAN OCEGUERA SERVING AS VICE CHAIR. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

5. Juvenile Justice System (A.C.R. 18)

Mr. Malkiewich said that the commission appoints three members of each house to represent the various geographic areas of the state. It also appoints the chair.

The chair noted that Mr. Anderson is the sponsor of the bill and asked Mr. Perkins for his recommendations. Mr. Perkins responded that his recommendation would be Assemblymen Anderson and Carpenter and Assemblywoman Leslie with Ms. Leslie as the chair.

Chair Townsend said that the Senate recommendations are Senators Care, Washington and Wiener as they all sit on the judiciary committee.

SENATOR O'CONNELL MOVED TO APPOINT SENATORS CARE, WASHINGTON AND WIENER AND ASSEMBLYMEN ANDERSON AND CARPENTER AND ASSEMBLYWOMAN LESLIE WITH ASSEMBLYWOMAN LESLIE AS CHAIR. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

6. Public Employees' Benefits Program (A.C.R. 10)

Mr. Malkiewich stated that the commission is directed to appoint three members of each house and a chair for the committee.

Chair Townsend said that this committee would be one that would be chaired by an Assembly member. His Senate recommendations are Senators Amodei, Coffin and Rhoads.

Mr. Perkins stated that the Assembly recommendations are Assemblywomen Buckley and Giunchigliani and Assemblyman Goicoechea with Ms. Giunchigliani as chair.

SENATOR O'CONNELL MOVED TO APPOINT SENATORS AMODEI, COFFIN AND RHOADS AND ASSEMBLYWOMEN BUCKLEY AND GIUNCHIGLIANI AND ASSEMBLYMAN GOICOECHEA WITH ASSEMBLYWOMAN GIUNCHIGLIANI AS CHAIR. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

7. Telecommunications Services in Nevada (A.C.R. 2 of the 20th Special Session)

Mr. Malkiewich stated that the commission appoints three members of each house and a chair.

Chair Townsend said that his recommendations from the Senate are Senators Carlton, Hardy and Townsend.

Mr. Perkins said that the Assembly recommendations are Assemblymen Brown, Goldwater and Parks with Assemblyman Parks as the chair.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT SENATORS CARLTON, HARDY AND TOWNSEND AND ASSEMBLYMEN BROWN, GOLDWATER AND PARKS WITH ASSEMBLYMAN PARKS AS THE CHAIR. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

E. Appointments to Nonlegislative Committees

1. Advisory Council for Community Notification (concerning sex offenders)

(NRS 179D.700)

Mr. Malkiewich said that these appointments are for a four-year term. The commission is to appoint four members with no more than two members of the same party. He referred to material in the meeting packet which indicates those legislators interested in serving and the current membership. Of the current members, Senator Coffin has indicated that he does not wish to be reappointed. Merle Berman, a former legislator, continued to serve because the statute does not require that the four people be legislators. Additionally, he understands that the Attorney General plans to make use of this committee which is why the commission is appointing members.

Chair Townsend said that the Senate recommendations are Senators Schneider and Washington if the

appointments are left at two each per house.

Mr. Perkins said that he has been contacted by Assemblywoman Ohrenschall who desires to be reappointed. Therefore, he recommends Assemblywoman Ohrenschall and Assemblyman Mabey.

ASSEMBLYMAN CARPENTER MOVED TO APPOINT SENATORS SCHNEIDER AND WASHINGTON AND ASSEMBLYWOMAN OHRENSCHALL AND ASSEMBLYMAN MABEY. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

2. Advisory Council on Mortgage Investments and Mortgage Lending (NRS 645B.860)

Mr. Malkiewich said that this item was placed on the agenda in case the commission received the nominations prior to the meeting. He recalled that the legislature created a new commissioner of mortgage lending during the recent session. He spoke to the acting commissioner who indicated that he was unsure that the committee would continue. The commissioner would be talking to other individuals and representatives of the community but he believes that the main purpose of that body was to get the legislation passed that was passed creating the separate agency. As of this time, the commissioner has not contacted him with nominees which means that they have not worked something out or have decided not to move forward. This item will carry forward to the next meeting if it is decided to form the advisory council and appointments can be made at that time.

The chair said that Assemblyman Goldwater has a tremendous interest in and has worked extremely hard during the past two sessions on a remarkably good effort to deal with the problems that occurred in southern Nevada. He said that Mr. Goldwater should be notified about what the division thinks that may or may not be a role of this advisory committee. He does not want someone who spent a great deal of time of the issue to find out that something went by the wayside because they were not notified. The chair asked that Mr. Perkins, Ms. Buckley, staff or anyone who happens to see Mr. Goldwater notify him so that he could contact Mr. Malkiewich, the chair, the governor's office or one of the representatives of that division to share his thoughts.

3. National Conference of Commissioners on Uniform State Laws (NRS 219.020)

Mr. Malkiewich said that the Legislative Commission appoints four attorneys who are members of the legislature to the national conference. He referred to material in the meeting packet showing the current members and those interested in serving. He noted that Assemblyman Horne is shown with an asterisk because he just took the bar exam and the results of that are not yet out.

Chair Townsend said that the only senator expressing interest is Senator Care and asked Ms. Buckley for her thoughts.

Ms. Buckley said that she would move to appoint Assembly members Brown and Ohrenschall and Senator Care and Assemblyman Horne if he passed the bar exam. She noted that there are only a couple of additional attorney members in the Assembly and she does not think anyone else is interested because of the amount of time this takes out of state. It is a great committee and a great effort and there are many good suggestions for laws that come out of it but it is very labor intensive.

The chair said that depending on the disposition of Mr. Horne's issue, the commission could decide if it wants to appoint someone else.

SENATOR O'CONNELL MOVED TO APPOINT SENATOR CARE, ASSEMBLYWOMAN OHRENSCHALL, ASSEMBLYMAN BROWN AND ASSEMBLYMAN HORNE ON THE CONDITION THAT HE PASSES THE BAR EXAM. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

4. Nevada AIDS Advisory Task Force

Mr. Malkiewich referred to material in the meeting packet which indicates that this is not a statutory committee. It has been created by the Health Division who has asked that a legislator be appointed. Mr. Goldwater is not seeking reappointment.

The chair asked why there is only one legislative member and Ms. Buckley responded that might be a good question for the Health Division. Mr. Malkiewich said that he did not believe the Health Division would have an objection if they were informed that the commission appointed two legislators to it since it is not a statutory committee and is somewhat informal. The chair said that the only reason he asks is that since Mr. Goldwater is not seeking reappointment, then the theory would be that it would come back to the Senate but he would not want the Assembly left out if they desire an appointment to the task force. If no one has any objection, he suggested one member from each house be appointed. Given the seriousness of the topic and the interest shown, he thought at least one from each house should be appointed.

Mr. Perkins said that he completely agreed since public policies that pass through the legislature have to go through both houses so it would be good to have a member from each house to rely on for the information and expertise.

Chair Townsend recommended Senator Rhoads from the Senate. Mr. Perkins said that his recommendation from the Assembly would be Assemblyman Atkinson.

ASSEMBLYMAN PERKINS MOVED TO APPOINT SENATOR RHOADS AND ASSEMBLYMAN ATKINSON TO THE TASK FORCE. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

5. Nevada Commission on Aging (NRS 427A.032)

Mr. Malkiewich said that this item requires the appointment of one member from each house by statute as nonvoting members of the Nevada Commission on Aging. Assemblywoman McClain was appointed at the beginning of the legislative session to fill the remainder of an unexpired term but the terms are now up for appointments. The incumbents are Senator Wiener and Assemblywoman McClain and others expressing interest are shown in the packet material for this item.

Chair Townsend stated he believed that Senators Titus and Raggio agree that Senator Wiener would be the nominee from the Senate.

Mr. Perkins commented that Ms. McClain has asked to be reappointed.

ASSEMBLYMAN PERKINS MOVED TO APPOINT SENATOR WIENER AND ASSEMBLYWOMAN MCCLAIN TO THE NEVADA COMMISSION ON AGING. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

6. Nevada Commission on Minority Affairs (A.B. 7 of the 20th Special Session)

Mr. Malkiewicz referred to the meeting packet for this item which contained a letter to the chair from Senator Raggio forwarding recommendations that were made to him by Bert Ramos. The letter includes recommendations for members as well as alternates. The statute requires that the commission appoint nine members and he does not see a problem with appointing alternates as well.

The chair said that the letter also recommended that Mr. Ramos serve as chair. The recommended appointees are: Bert Ramos as chair; James Yu, President, Asian Chamber of Las Vegas; Louis Overstreet, Executive Director, Urban Chamber of Las Vegas; Teresa Malone, State Board of Education; Jennifer Angel, President, Central American Coalition of Las Vegas, seven countries; Brian Wallace, Chairman, Pyramid Lake Paiute Tribe; Tony Sanchez, President, Latin American Chamber of Las Vegas; Carina Black, Executive Director, Northern Nevada International Center; Elena Brady, President, Filipino Association of Northern Nevada. Alternates suggested are: Lucille Adin, Black Professional Women of Northern Nevada; Estella Gutierrez, Truckee Meadows Community College; Andres Mendoza, Mexican Association of Las Vegas; Carlos Polis, Pacific Islander Association of Las Vegas; Otto Merita, Executive Director, Latin Chamber of Las Vegas; Israel Fuentes, Guatemalan Unity Association; David Osman, Youth Alliance of Las Vegas; Bonnie Bartlett, Univision of Las Vegas; and Aurelio Carillo, Culinary Union of Las Vegas.

Senator Mathews said that she knows she is not a member of the commission but would like to recommend Lucille Adin as a regular member and not an alternate.

Senator Titus said that she appreciated the recommendation by Senator Mathews and she suggested moving Teresa Malone to the alternate list and Lucille Adin to the regular member list.

SENATOR TITUS MOVED TO APPOINT THE LIST OF REGULAR MEMBERS AND ALTERNATES AS RECOMMENDED EXCEPT MOVE MS. ADIN TO THE REGULAR MEMBER LIST AND MS. MALONE TO THE ALTERNATE LIST. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

7. Nevada Early Intervention Interagency Coordinating Council

Mr. Malkiewicz referred to the meeting packet and called attention to a letter for this agenda item to him from Yvonne Sylva, Administrator, Health Division, Department of Human Resources, asking for assistance in having Assemblywoman Sheila Leslie appointed to the Early Intervention Interagency Coordinating Council. Ms. Leslie is interested in serving. Mr. Malkiewicz said that he did not feel it was appropriate for him to approve this so he brought it to the commission for consideration.

ASSEMBLYMAN ANDERSON MOVED TO RECOMMEND APPOINTMENT OF ASSEMBLYWOMAN SHEILA LESLIE TO THE NEVADA EARLY INTERVENTION INTERAGENCY COORDINATING COUNCIL. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

8. Nevada Silver Haired Legislative Forum (NRS 427A.320)

Mr. Malkiewicz said that the forum consists of 21 members appointed by the Legislative Commission from nominations made by senators. There are four nominations so far: Alice Adams by Senator Carlton; Bonnie Bryan by Senator Wiener; BeBe Hoffman by Senator Care and Verlia Hoggard by Senator Neal. Unless there are other nominations from commission members, that is all he has for this meeting. He said that Lona Domenici is working on this committee.

Senator O'Connell said that Robert McCune would again be her nomination.

SENATOR O'CONNELL MOVED APPROVAL TO APPOINT ALICE ADAMS, BONNIE BRYAN, BEBE HOFFMAN, VERLIA HOGGARD AND ROBERT MCCUNE TO THE NEVADA SILVER HAired LEGISLATIVE FORUM. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Ms. Buckley inquired if there is an appointee for Senate District 8. It was determined by Mr. Malkiewich that there was not. Ms. Buckley said that she has someone in mind for appointment and will contact Senator Schneider to see if he would nominate the person.

9. Western Interstate Commission for Higher Education (WICHE) Legislative Advisory Committee

Mr. Malkiewich said that this is another appointment that is not a statutory one. The WICHE has created this committee and requested an appointment for a representative from Nevada. He said that Senator Rawson is the current member and Assemblyman Arberry is the current alternate. He noted that Mr. Arberry did not indicate interest in reappointment.

Mr. Perkins said that he would like to have Assemblyman Andonov serve as the Assembly appointee. He recalled that the member appointment has rotated between the houses. The chair noted that if Mr. Perkins' recommendation is Mr. Andonov as the member, then the Senate would recommend Senator Rawson as the alternate since he does show an interest in continuing to serve.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT ASSEMBLYMAN ANDONOV AS THE MEMBER AND SENATOR RAWSON AS THE ALTERNATE TO THE WICHE LEGISLATIVE ADVISORY COMMITTEE. MOTION SECONDED BY ASSEMBLYMAN PERKINS AND CARRIED UNANIMOUSLY.

F. Appointment of Chair and Vice Chair of Certain Statutory Committees

Mr. Malkiewich said that there are three committees under this category. In each of the cases, the membership is appointed by leadership and the commission appoints the chair and vice chair. A handout (copy attached as Exhibit C) was provided showing the appointments for all three committees.

1. Committee on High-Level Radioactive Waste (NRS 459.0085)

Mr. Malkiewich said that the current chair is Assemblyman Mortenson and the current vice chair is Senator McGinness. The members appointed are Senators McGinness, Neal, Rhoads and Shaffer and Assemblymen Mortenson and Sherer and Assemblywomen Angle and Pierce.

Chair Townsend recommended Senator McGinness as the chair. Mr. Perkins said that the Assembly recommendation would be Assemblyman Mortenson as vice chair.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT SENATOR MCGINNESS AS CHAIR AND ASSEMBLYMAN MORTENSON AS VICE CHAIR OF THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

2. Legislative Committee on Education (NRS 218.5352)

Mr. Malkiewich referred to the handout (previously identified as Exhibit C) showing the appointments and

said that by statute the chairmanship rotates between houses and will be in the Assembly this interim. The Assembly members are Assemblywoman Chowning and Assemblymen Gustavson, Horne and Perkins. The Senate members are Senators Mathews, O'Connell, Raggio and Washington.

Mr. Perkins said he just sent a last minute change through in an attempt to balance the assignments and the Assembly appointments should now show Assemblymen Gustavson, Horne, McCleary and Perkins. Mr. Perkins suggested that he chair the committee if the commission members approve.

SENATOR O'CONNELL MOVED TO APPOINT ASSEMBLYMAN PERKINS AS CHAIR AND
SENATOR RAGGIO AS VICE CHAIR OF THE LEGISLATIVE COMMITTEE ON EDUCATION.
MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

3. Legislative Committee on Health Care - Subcommittee to Study Medical and Societal Costs and Impacts of Obesity (S.C.R. 13)

Mr. Malkiewich said that although this committee is a subcommittee of the Legislative Committee on Health Care, the members were appointed by leadership and the members are shown on the handout (previously identified as Exhibit C). The resolution requires that the commission appoint the chair of the subcommittee from the membership of Senators Cegavske and Wiener and Assemblymen Atkinson and Mabey. The chair said it is his understanding that the resolution was sponsored by Senator Wiener.

Senator Titus confirmed that it was Senator Wiener who sponsored the resolution and she would be willing to chair the subcommittee. Senator Titus said, "We think she would be a great chair for it."

SENATOR TITUS MOVED TO APPOINT SENATOR WIENER AS CHAIR OF THE SUBCOMMITTEE.
MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

G. Approval of Budgets for Interim Studies

Mr. Malkiewich referred to material in the meeting packet for this item. He said that since the document was created, he has received three requests for changes. He referenced a handout (copy attached as Exhibit D) for the Nevada Mental Health Plan Implementation Commission changing that budget from \$8,400 to \$11,160. The increased number of members on the Allocation of Limousines and the Study of Feasibility of Long-Range Mass Transit within the State and to Urban Areas of Neighboring States will require adjustments to those budgets. He said that rather than breaking down salary and travel in great detail, he recommended that the Study on Allocation of Limousines be increased by \$1,000 to \$6,640, the Study of Feasibility of Long-Range Mass Transit be increased by \$3,000 to \$11,400 and the Nevada Mental Health Plan Implementation Commission's budget be increased to \$11,160 as requested. That will allocate \$77,890 of the \$80,000. If more money is needed for a committee, he suspects that some of the committees will not spend their whole budget and, in addition to having \$2,000 left to allocate, there will be the ability to shift money from some that do not spend all of their funds. He would recommend approval of the budgets for the interim studies with the understanding that money is often moved between the studies.

Mr. Anderson inquired if the amount allocated to the study of the Criminal Justice System in Rural Nevada and Transitional Housing for Released Offenders was adequate because of the opportunity to travel to some of the rural areas of the state which may necessitate an overnight expense that would not be normal. Mr. Malkiewich replied that appears that the travel budgets were computed on a formula basis and with travel to rural areas that study may "come up short." He thinks there may be savings in the travel budgets of a number of the other committees but he could put another \$1,000 into the travel budget of that study. He concurred with Mr. Anderson that the amount shown would not be adequate. He noted that this would bring the total amount to \$78,890.

Responding to Mr. Anderson, Mr. Malkiewich explained that there are a large number of committees that are appointed by leadership and he mentioned a few of them.

ASSEMBLYMAN CARPENTER MOVED TO APPROVE THE BUDGETS OF INTERIM STUDIES AS REVISED DURING DISCUSSION. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

H. Approval of Budgets for Certain Committees

Mr. Malkiewich said that the budget for the Committee to Evaluate Higher Education Programs includes a \$250,000 appropriation. A rough “break-out” of the budget is contained in the meeting packet. A vast majority of the budget goes to consultant fees.

Mr. Malkiewich said he would not go into a lot of detail on the budgets unless the members have questions. Budgets for the committees listed herein are contained in the meeting packet.

The chair inquired if the members have any questions on the budgets for agenda items III. H. 1. through 9. He noted that Senator O’Connell is very familiar with many of the committee budgets. Senator O’Connell said that she reviewed them and found them to be comparable to what has been approved in the past. She assumed that if it had become necessary to increase the funds for any of the committees during the interim, that would have been taken into consideration and reflected in the budgets for this interim. Mr. Malkiewich said that the senator’s assumption is correct. He noted that a number of the committees are new and are establishing their first budgets. The committees that are ongoing are “pretty much” the same from interim to interim. Senator O’Connell said that if there is no discussion on the budgets she would move for adoption.

1. Committee to Evaluate Higher Education Programs
2. Interim Retirement and Benefits Committee
3. Legislative Committee for Local Government Taxes and Finance
4. Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System
5. Legislative Committee on Children, Youth and Families
6. Legislative Committee on Health Care (and its subcommittees)
7. Legislative Committee on Persons with Disabilities
8. Legislative Committee on Public Lands (and its subcommittees)
9. Legislative Committee on Taxation, Public Revenue and Tax Policy

SENATOR O’CONNELL MOVED FOR APPROVAL OF THE BUDGETS FOR THE COMMITTEES LISTED IN ITEM III. H. 1. THROUGH 9. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Prior to addressing the next item, the committee returned to Agenda Item III. C. 2. for discussion and action.

I. Update on “America’s Legislators Back to School Week” program of the National Conference of State Legislatures--Patrick Guinan, Senior Research Analyst.

Mr. Guinan said that he is the coordinator for legislator back to school week in Nevada and is before the commission to provide a brief update. The program began in 1999 as a one-day event and allowed legislators to get in touch with students and schools in order to engage them in discussion about why it is

important to take part in our representative democracy. The program was so well received in 1999 and 2000 that it was expanded to a week-long program beginning in 2001. In 2002, there were approximately 1,500 legislators that took part in the program across the country and they spoke to over 200,000 students. The numbers are similar this year.

Mr. Guinan mentioned that 15 legislators in Nevada participated in the program and they visited an estimated 3,000 students at 44 schools. Their activities ranged from speaking to full assemblies of students all the way down to individual classes, typically honors, government or leadership classes. As it did last year, the NCSL provided a video and booklet geared toward high school students entitled, "Your Ideas Count." This year, NCSL also prepared magazines with age appropriate activities for children in the second through sixth grades that were available for legislators. The NCSL also provides lesson plans for teachers and legislators that are centered on the themes of having a voice in government, recognizing different voices and coming to consensus on difficult issues. The program has been a success so far and is expected to continue to be so.

Responding to Ms. Angle, Mr. Guinan said that the back to school week is always the third week in September and it just concluded last week. That is the reason he does not have exact numbers for the commission on students contacted or national participation. He will provide an update as an informational packet once all the numbers are tallied.

Senator O'Connell said that she was unable to attend due to a national meeting on education in Nashville, Tennessee. She said that she recently read in the newspaper an article that points to the importance of this project. They are finding that when they are looking at voters, it is the younger segment of the population that are not voting. In trying to study this issue, they have followed it back to where they do not feel that in the school curriculum they are highlighting or putting enough emphasis on what our government does so it is something that young people are not thinking about when they get out of school or become of age to vote. It seems to her that while only 15 legislators were able to participate this year, with more of a focus on it next year we can associate the fact that we are doing everything we can to get people to vote and yet we are not putting enough emphasis in our schools for the young people to understand how this affects their lives and how important their vote is. She thinks it is the duty of legislators to get in the schools and try to emphasize the importance of their vote and their understanding the issues.

Senator Wiener said that she has participated in this program every year, even when Nevada was a pilot state of the one-day program. She keeps expanding her participation. She inquired of Mr. Guinan if it was okay to turn in the schools she is visiting this week. He responded in the affirmative. Mr. Guinan said that from what he understands, Senator Wiener again set the record for the state of Nevada and probably for the entire program by visiting 16 schools in her district. She noted that she has added three more. Senator Wiener said that one of the things she shares with the teachers as well as with the young people is that last year when the NCSL provided some background on this program, the fact sheet made her "so sick" that she called the school district and added another day to her school visits. She also made the commitment to visit every school in her district. The fact was that 80 percent of young people today will never meet an elected official, which means they think government is a big building somewhere. One of her messages is that legislators are people who have made a choice to serve people and that is why she was there so that they get a sense of government as people, not buildings, because that is often what their parents think. When 80 percent never meet an elected official, they don't have a positive attitude about what government is.

Responding to Chair Townsend, Senator Wiener said that she does talk about the need for healthy choices—fitness and nutrition. She also meets with the physical education teachers and is establishing fitness and nutrition programs with them in 11 elementary schools. The chair said that the amount of research that has come out as a result of years of study on areas of fitness and nutrition is remarkable and he appreciates Senator Wiener's commitment.

Senator Hardy said that he participated for the first time this year. He visited Silvestri Middle School and was very impressed by the questions asked by the students. They did not have a government class at the time so he visited an accelerated English class and he was very impressed with the level of interest that kids have. He will be returning to speak to an assembly of the school. He said it was a wonderful experience and he would advise his colleagues to avail themselves of the opportunity.

Mr. Anderson said that as a classroom teacher in this particular subject area, he appreciates that Mr. Guinan has worked hard on this project and he realizes how difficult it is to get speakers on a regular basis. He said that he participated initially in the pilot program and visited several middle schools rather than the high school where he teaches. He made the observation that the hardest time of year for teachers to make room in their schedule is September and the early fall months when classrooms are being set up. It is most difficult to find an open window to pick up speed and establish routine. If there is a place on the response to the NCSL as to a better time, he would recommend that the spring would be a better time than the fall at least at the high school curriculum level currently in Nevada when attention is turned to state government. It fits in well with constitutional questions but not as well as it does when state government is being discussed. They would be better informed on the functions and more able to participate at that time. Mr. Guinan said that he attended a summer meeting conducted by the NCSL in Denver, Colorado in preparation for the program. He said that Mr. Anderson's concerns were echoed by people from across the country. The NCSL is aware of the issue and has tried to identify different times of the year. Because it is a national program and difficult to coordinate anyway, their thinking is to make people aware during the summer months that the program will occur and then get into the classroom early is the best way they have been able to do it. The NCSL is open to any suggestions and he will forward the suggestion to them. They also try to emphasize that if a legislator is interested in visiting a class in connection with the program, it doesn't necessarily have to take place during the back to school week. They are happy to provide whatever materials they can so the legislator can make the visit at his or her convenience.

Chair Townsend said that he would share one note about the classroom experience he had over time as a teacher for almost seven years and then going back into the classroom as an elected official. The one thing you do not do is if the first question is how much do you make, you do not answer it right away. After the students hear what legislators are getting paid, they do not listen because you have lost their interest. They are overwhelmed that anybody would do that and you don't want to lose them. If they ask the question at first, tell them you will answer at the end and then try to give them some insight on what a good experience it is and what an honor it is to serve. He thanked Mr. Guinan for his work on the program.

Item IV--Legislative Commission Policy:

A. Review of administrative regulations submitted pursuant to NRS 233B.067--Brenda J. Erdoes, Legislative Counsel.

Ms. Erdoes said that there are 19 regulations for consideration. Material on the regulations is contained in the meeting packet. There are three regulations from the Department of Agriculture; four from the State Quarantine Officer, Department of Agriculture; three from the Manufactured Housing Division; one from the State Board of Health; two from the Board of Homeopathic Medical Examiners; three from the Board of Public Employees' Benefits Program; one from the Commissioner of Insurance; and two from the Commission on Professional Standards in Education. Her office believes that the regulations are all within the authority of the adopting agency and with the concurrence of Ms. Buckley would recommend approval.

Ms. Buckley said that she has reviewed all the regulations, has no concerns and would move for approval.

ASSEMBLYWOMAN BUCKLEY MOVED APPROVAL OF THE 19 REGULATIONS AS OUTLINED BY THE LEGISLATIVE COUNSEL. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED

UNANIMOUSLY.

Under discussion of the motion, Senator Hardy said that he wanted to disclose for the records that his father who is present in the audience is a member of the State Board of Homeopathic Medical Examiners.

B. Setting of prices for sale of material published by the Legislative Counsel Bureau--Brenda J. Erdoes, Legislative Counsel.

Ms. Erdoes recalled that the NRS requires that the prices of the LCB publications to approximate the cost for printing. She referred to a handout (copy attached as Exhibit E) which shows the publications that are being recommended for an increase in sales price. She will not review them individually but would be happy to answer any questions. The reason she is recommending the proposed price increases is that new laws combined with improved and expanded annotations have increased page counts, which obviously costs more. In the cases of the NRS and Criminal Law Manual Annotated, the increased page counts resulted in additional binders which is also costly. Her office failed to fully anticipate the impact of that following the 2001 session, so the increases recognize that page count increase plus anticipate a similar increase this biennium. The normal increases in materials and production costs and some higher than normal increases in printing costs also drive some of the proposals. The LCB auditors found that State Printing had failed to allocate all expenses to all the jobs which did affect the prices. While the LCB has taken over State Printing and would like to think that the actual cost can be driven down, she believes it is prudent to recognize the potential increases as all costs are fully allocated.

ASSEMBLYWOMAN BUCKLEY MOVED APPROVAL OF THE PROPOSED PRICE INCREASES. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

C. Amendment to Rule No. 25.2, "Longevity," of the Rules and Policies of the Legislative Counsel Bureau--Lorne J. Malkiewich, Director.

Mr. Malkiewich said that this amendment is to make the LCB payments for longevity correspond to those in the executive branch. A bill was passed during the legislative session increasing longevity payments particularly for long term employees. Material for this item was contained in the meeting packet.

SENATOR O'CONNELL MOVED ACCEPTANCE OF THE AMENDMENT. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

D. Resolution recognizing 92nd Anniversary of the Founding of the Republic of China--Lorne J. Malkiewich, Director.

Mr. Malkiewich stated that the celebration of the anniversary of the founding of the Republic of China will take place on October 10th. The Taipei Economic and Cultural Office always has a reception and for that reception, a Legislative Commission resolution is prepared congratulating the Republic of China on Taiwan. The language of the resolution is contained in the meeting packet.

ASSEMBLYMAN ANDERSON MOVED APPROVAL OF THE RESOLUTION. MOTION SECONDED BY SENATOR O'CONNELL AND CARRIED UNANIMOUSLY.

E. Review and approval of proposed forms to report campaign contributions and expenses--Renee L. Parker, Chief Deputy Secretary of State.

Ms. Parker provided a handout (copy attached as Exhibit F) of new forms which replace the ones contained

in the meeting packet for this item. She said that she met with Ms. Erdoes the prior day and the forms were revised to clarify some of the questions raised by Ms. Erdoes.

Chair Townsend said that the commission members have just received the copy. He thinks the commission and all legislators have the same concern and that is to make sure the public has access to the information that is important to them. He knows that the Secretary of State has articulated many times that that is his position as has Ms. Parker in front of the Senate Government Affairs Committee chaired by Senator O'Connell. He said that the Senate and Assembly Committees that worked with Ms. Parker on this matter were very specific in their language and he wants to ensure that the forms meet the statutory requirements. He recalled there were some things that were quite specific. He said that the commission members could ask questions but he would like to have LCB staff and the Secretary of State's staff see if everything matches up. He said members were given one copy and have just received a revised copy and he wants to be sure the forms meet the requirements. He inquired if the revised version had been transmitted to the members in Las Vegas. Senator O'Connell confirmed that the members have received the revised copy.

Senator O'Connell thanked the chair for the suggestion of allowing the members to review the forms and follow the law because that is necessary. She has some questions but will hold them until she has the opportunity of going through the law and looking at them. The senator inquired of the chair if it was his intent to have the Legislative Counsel or someone on her staff conduct a review.

Ms. Parker said that the form that is before the members, other than the top portion which shows the due dates and check boxes for which filing it is, is the same proposed form that Assemblyman Beers had in the legislation that passed from the Assembly. She recalled that when the legislation traveled to the Senate and was reviewed there, the form was removed to give more flexibility if something had changed in the interim. The form is the same from "beginning cash on hand" on down. She understands the concern about some specific language and not putting anything in the form that was not specifically authorized in the statute. She reiterated that she met with Ms. Erdoes the prior day and knows of her concerns that there is not specific language in this area.

Ms. Parker's concern was that you cannot reconcile some of the items. Another concern of Ms. Parker is that the county clerks are anxious to receive the forms since there is now a new January 15th filing in 2004. The Secretary of State's office sends the forms to all the "electeds" and then they send the forms to everyone in their districts. There are city officers that were elected in the past year whose forms will be due January 15th. Her concern is the timeliness in being able to get the forms to them. She offered to explain the difference between what is in the meeting packet and what is on the revised form. The changes are basically clarification that was requested by Ms. Erdoes.

After a brief discussion, the chair acknowledged the concern about timeliness and inquired of Mr. Malkiewicz the next proposed meeting date. Mr. Malkiewicz said that the normal schedule would have the commission meet in early December but a meeting could be scheduled earlier. Chair Townsend suggested meeting earlier to allow the Secretary of State's office to move forward. He determined that the commission could meet as soon as practicable and Ms. Parker would be notified of the date. He said that many people have put forth a great deal of effort on this matter and they deserve an opportunity to make sure the forms are correct and delaying a short period of time longer would be worth the effort. He expressed concern about what the people represented by the legislators are going to see. He also noted that many members are represented by accounting firms to ensure they are doing all the right things. He said that Ms. Parker has done a great job to get the form to this point and he wants to ensure that it matches the law and is readable by the public. The chair reiterated he would communicate with Ms. Parker regarding the next meeting.

The chair returned to Agenda Item II. A. for additional discussion before proceeding to Item V.

Item V--Informational Items:

Mr. Malkiewich said that under this item there are three informational items which normally appear on each commission agenda. He said that if any legislator would like to have testimony on an informational item, he or she should contact staff upon receipt of the meeting packet and the agency will be contacted. There were no questions on the reports.

A. Legislative Committee Reports.

B. Legislators' Travel Reports.

C. Miscellaneous Reports from State Agencies and Others:

1. Quarterly Report on disciplinary action by Board of Examiners for Alcohol and Drug Abuse Counselors.
2. Quarterly Report on disciplinary action by Board of Examiners for Long Term Care Administrators.
3. Quarterly Report on disciplinary action by Board of Examiners for Social Workers.
4. Quarterly Report on disciplinary action by Board of Psychological Examiners.
5. Quarterly Report on disciplinary action by Board of Veterinary Medical Examiners.
6. Quarterly Report on disciplinary action by Chiropractic Physicians' Board of Nevada.
7. Quarterly Report on disciplinary action by Nevada Board of Dispensing Opticians.
8. Quarterly Report on disciplinary action by Nevada State Barber's Health and Sanitation Board.
9. Quarterly Report on disciplinary action by Nevada State Board of Accountancy.
10. Quarterly Report on disciplinary action by Nevada State Board of Architecture, Interior Design and Residential Design.
11. Quarterly Report on disciplinary action by Nevada State Board of Dental Examiners.
12. Quarterly Report on disciplinary action by Nevada State Board of Landscape Architecture.
13. Quarterly Report on disciplinary action by Nevada State Board of Medical Examiners.
14. Quarterly Report on disciplinary action by Nevada State Board of Nursing.
15. Quarterly Report on disciplinary action by Nevada State Board of Optometry.
16. Quarterly Report on disciplinary action by Nevada State Board of Pharmacy.
17. Quarterly Report on disciplinary action by Nevada State Contractors Board.
18. Quarterly Reports on disciplinary action by Private Investigator's Licensing Board.
19. Quarterly Reports on disciplinary action by Real Estate Division, Department of Business and Industry.
20. Quarterly Reports on disciplinary action by State Board of Cosmetology.
21. Quarterly Report on disciplinary action by State Board of Professional Engineers and Land Surveyors.
22. Quarterly Report on activities concerning proposed transactions between an eligible customer and a provider of new electric resources from the Public Utilities Commission of Nevada.

Item VI--Public Comment:

There was no public comment in either Carson City or Las Vegas.

The chair said that the schedules of the members will taken into consideration in the scheduling of the meetings so that all members can be accommodated. The chair expressed thanks to all the LCB staff.

There being no further comments, the meeting was adjourned.

Respectfully submitted,

Marilyn K. White
Executive Assistant

Senator Randolph J. Townsend, Chair
Nevada Legislative Commission